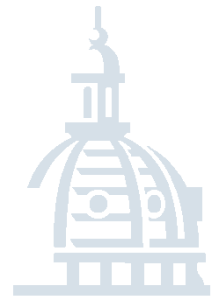


Fiscal Note

Fiscal Services Division



HF 20 – Sexual Exploitation by School Employee (LSB1390YH)
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Fiscal Note Version – New

Description

House File 20 expands the Code provision establishing the criminal offense of sexual exploitation by a school employee by broadening the definition of a school employee to include full-time employees, part-time employees, substitutes, volunteers having significant routine contact with students, and persons under a contract to a school district having significant routine contact with students.

Background

- Currently, a school employee is defined to include any practitioner or coach who is licensed or authorized by the Board of Educational Examiners. A school employee committing sexual exploitation under Iowa Code section [709.15](#) commits either:
 - An aggravated misdemeanor, punishable by confinement for no more than two years and a fine of at least \$625, but not more than \$6,250; or
 - A class D felony, punishable by confinement for no more than five years and a fine of at least \$750, but not more than \$7,500.
- This would also constitute unprofessional and unethical conduct that may result in disciplinary action by the Board of Educational Examiners.
- In FY 2016, there were 23 disposed charges for various levels of sexual exploitation by a school employee. Of these, nine were either dismissed or acquitted, while 14 charges resulted in a conviction for six defendants. Three of the convictions were for class D felonies. The remaining three were for aggravated misdemeanors.
- Offenders sentenced under the provision of Iowa Code chapter [709](#) are subject to sentencing enhancements because they are sex offenders. If sentenced to prison, they are required to participate in a Sex Offender Treatment Program. These offenders are subject to the requirements of the Sex Offender Registry (SOR) for at least 10 years per Iowa Code chapter [692A](#). Sex offenders are also subject to the Special Sentence imposed under Iowa Code chapter [903B](#) and are supervised by the Community-Based Corrections (CBC) District Departments.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$15.00 per day.
- Half of the charges for Iowa Code section [709.15\(5\)](#) offenses that were dismissed or acquitted previously will become convictions.

Impacts

Minority Impact

There is no minority impact expected under [HF 20](#). Offenders previously convicted and admitted to prison for Iowa Code section [709.15](#) were predominantly male and Caucasian. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Memo](#), dated January 30, 2017, for information related to minorities in the criminal justice system.

Correctional Impact

Based upon past history, it is forecasted that there would be an annual increase of five convictions, four prison admissions, one jail admission, and four residential facility admissions annually. **Table 1** shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for sex offenders convicted of aggravated misdemeanors and Class D felonies.

Table 1

	Percent to Prison	Avg LOS Prison (months)	FY 16 Marginal Cost/Day Prison	Avg LOS Parole (months)	Percent to Probation	Avg LOS Probation (months)	FY 16 Avg Cost/Day Parole & Probation	Percent to CBC	FY 16 Marginal Cost/Day CBC	Percent to County Jail	Avg LOS County Jail (days)	Marginal Cost/Day Jail
Agg Misd.	69.0%	8.3	\$18.51	N/A	57.0%	23.6	\$4.59	4.0%	\$10.28	33.0%	86	\$15.00
Class D Felony	95.0%	30.5	\$18.51	5.3	39.0%	35.6	\$4.59	12.0%	\$10.28	41.0%	N/A	\$15.00

Refer to the LSA memo addressed to the General Assembly, [Correctional Impact Memo](#), dated January 30, 2017, for information related to the correctional system.

Fiscal Impact

[House File 20](#) will have a minimal fiscal impact resulting in increased General Fund expenditures. The table below summarizes the estimated expenditures.

Table 2

<u>Offense</u>	<u>Cost Range</u>	<u>Convictions</u>		<u>Cost Increase Range</u>	
		<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2018</u>	<u>FY 2019</u>
Aggravated Misdemeanor	\$3,100-\$7,000	2	3	\$6,200 - \$14,000	\$9,300 - \$21,000
Class D Felony	\$6,300-\$12,300	1	2	\$6,300 - \$12,300	\$12,600 - \$24,600
Total		<u>3</u>	<u>5</u>	<u>\$12,500 - \$26,300</u>	<u>\$21,900 - \$45,600</u>

Sources

Department of Human Rights, Division of Criminal and Juvenile Justice Planning
Department of Corrections
Office of the State Court Administrator
Office of the State Public Defender

/s/ Holly M. Lyons

February 1, 2017

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.